

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

IN RE: NATIONAL FOOTBALL LEAGUE
PLAYERS' CONCUSSION INJURY
LITIGATION

Kevin Turner and Shawn Wooden,
*on behalf of themselves and
others similarly situated,*

Plaintiffs,

v.

National Football League and
NFL Properties LLC,
successor-in-interest to
NFL Properties, Inc.,

Defendants.

THIS DOCUMENT RELATES TO:
ALL ACTIONS

No. 2:12-md-02323-AB

MDL No. 2323

Hon. Anita B. Brody

Civ. Action No. 14-00029-AB

[PROPOSED] ORDER

WHEREAS, Co-Lead Class Counsel sought leave to file an *amicus curiae* brief in the Action pending in the Southern District of New York captioned *Consumer Financial Protection Bureau v. RD Legal Funding, LLC*, No. 1:17-cv-890-LAP (S.D.N.Y.) (the “CFPB Action”) concerning the issue of whether the class action Settlement Agreement approved by this Court on April 22, 2015 prohibits assignments of monetary awards; and

WHEREAS, following consultation with the undersigned, on September 8, 2017, the Honorable Loretta A. Preska of the Southern District of New York, who is presiding over the

CFPB Action, issued an Order (1) referring to this Court “the question of whether the *NFL Concussion Litigation* settlement agreement forbids assignments of settlement benefits” (CFPB Action, ECF No. 59), and (2) directing the parties to the CFPB Action¹ and Co-Lead Class Counsel (collectively, the “Parties”) to confer and inform both her and this Court how they propose to proceed; and

WHEREAS the Parties have met and conferred and have agreed that they wish to proceed in the form of *de novo* briefing in this Court concerning the above-referred question and to a proposed schedule for that briefing,

It is on this _____ day of September, 2017 hereby ORDERED as follows.

1. The RD Legal Parties, the Government, and Co-Lead Class Counsel shall file, via ECF no later than **September 29, 2017**, separate opening briefs not exceeding 15 pages each. The briefs shall be limited to the legal question of “whether the *NFL Concussion Litigation* settlement agreement forbids assignments of settlement benefits.”
2. The RD Legal Parties, the Government, and Co-Lead Class Counsel shall file, via ECF no later than **October 13, 2017**, separate reply briefs addressing the legal issues raised in the opening briefs. The respective reply briefs filed by the Government and Co-Lead Class Counsel shall not exceed 10 pages each. The RD Legal Parties shall file either a single reply brief not to exceed 20 pages, or two reply briefs (separately addressing the issues raised by the Government and Co-Lead Class Counsel) not to exceed 10 pages each.
3. No party shall be permitted to file a sur-reply brief.
4. The Court notes that the RD Legal Parties have requested that oral argument be held on the question referred to the Court, and that Co-Lead Class Counsel and the

¹ The parties to the CFPB Action are Plaintiffs Consumer Financial Protection Bureau and the Attorney General for the State of New York (collectively, the “Government”), and Defendants RD Legal Funding Partners, LP, RD Legal Finance, LLC, RD Legal Funding, LLC, and Roni Dersovitz (collectively, the “RD Legal Parties”).

Government have not joined in the request for oral argument at this time. The Court will make a determination concerning oral argument at a later date.

Anita B. Brody
United States District Judge